

Application No.: 10/743,238
Amendment dated: June 10, 2005
Reply to Office Action of February 16, 2005
Attorney Docket No.: 0005.1120US1

b.) Remarks

Claims 1-17 are pending in this application. Claims 1 through 11 have been amended in various particulars as indicated hereinabove. New Claims 12 through 17 have been added to alternatively define Applicant's invention.

Turning to a number of formal matters. The drawings were objected to under 37 CFR 1.83(a) for not showing every feature of the claimed invention. It was asserted that the drawings did not show 'an optical port *through* the substrate of the first membrane device'. Fig. 1 shows two optical ports 22a, 22b through the respective substrates A, B. Withdrawal of this objection is requested.

Claims 1, 2, 4-6 and 9 were rejected under 35 U.S.C. 112, first paragraph, as not being enabling. The description of the Fabry Perot cavity as being "tunable" was found objectionable. This word has been removed from the claims.

Claims 4, 8 and 10 were objected to for a number of informalities. These have been addressed in the foregoing amendments.

Finally, a number of prior art rejections were set forth: claims 1, 3-4 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by the patent issued to Russell *et al.* (U.S. Patent No. 6,382,953); claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by the patent issued to Waters *et al.* (U.S. Patent No. 6,763,718); Claims 1, 5 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by the patent issued to Tayebati *et al.* (U.S. Patent No. 6,438,149); claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Russell *et al.* (U.S. Patent No. 6,382,953) in view of the patent issued to Fein *et al.* (U.S. Patent No. 3,498,693); claims 7-8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Russell *et al.* Applicants respectfully traverse these rejections.

Claim 1 requires a single cavity dual membrane Fabry Perot filter. It thus comprises two membrane devices that define the Fabry Perot cavity between their respective mirror structures.

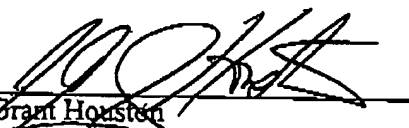
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This feature is not shown by any of the applied references. For example, the Russell *et al.* patent shows only a single membrane device--only its upper transparent layer 22 is deflectable since it has the only spring mounts 26. Neither of the Waters *et al.* patent nor the Tayebati *et al.* patent shows a device with two membranes. All of these devices comprise only a single membrane.

For these reasons, Applicant respectfully believe the rejections should be withdrawn.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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